

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Ken Cohen/797-1037

PREPARED BY: Ken Cohen/797-1037

SUBJECT: Resolution

AFFECTED DISTRICT: All

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE FIRM OF NABORS, GIBLIN, & NICKERSON, P.A. TO PERFORM LEGAL SERVICES RELATED TO THE SOLID WASTE SERVICES ASSESSMENT PROGRAM FOR FISCAL YEAR 2008-09, AND PROVIDING FOR AN EFFECTIVE DATE. (\$6,000 annually)

REPORT IN BRIEF: The Town's solid waste collection assessment program, which placed the cost of solid waste on property owner's tax bills was promulgated in 2005. The firm of Nabors, Giblin, & Nickerson, P.A. was utilized to initially advise the Town on the legal requirements for imposing such a program, and assisted with drafting the enabling legislation. Subsequently, the firm has provided the ongoing legislation required on an annual basis. The firm seeks to continue to serve as legal counsel for the program for fiscal year, 2008-09. The initial contract is for a one (1) year term with an option to renew annually by mutual agreement of the parties. Extensions, if appropriate, will be handled administratively by staff subject to budgetary approval by the Town Council.

PREVIOUS ACTIONS: Ordinance 2005-19.

CONCURRENCES: Town Attorney.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: \$6,000.00 annually.

Account Name: Town Admin Special Projects

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s): Resolution and Engagement Letter

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE FIRM OF NABORS, GIBLIN, & NICKERSON, P.A. TO PERFORM LEGAL SERVICES RELATED TO THE SOLID WASTE SERVICES ASSESSMENT PROGRAM FOR FISCAL YEAR 2008-09, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie promulgated a solid waste services assessment program in 2005 to ensure efficient collection of solid waste collection fees charged to property owners by the Town's exclusive franchisee; and

WHEREAS, as part of the solid waste services assessment program legal consultation will be periodically required; and

WHEREAS, the firm of Nabors, Giblin, & Nickerson, P.A. advised the Town on the legal requirements for the enabling legislation that established the solid waste services assessment program, assisted with the assessment procedures, and has previously drafted the required annual rate resolutions; and

WHEREAS, the firm of Nabors, Giblin, & Nickerson, P.A. is desirous of continuing to assist the Town with the annual rate resolutions and other legal requirements of the solid waste services assessment program for fiscal year 2008-09.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The Town of Davie authorizes the Mayor to enter into an agreement with Nabors, Giblin & Nickerson, P.A., for legal services relative to the solid waste services assessment program for fiscal year 2008-09.

Section 2. The initial contract term is for one (1) year with an option to renew the contract annually by mutual agreement of the parties. Contract extensions, if appropriate, will be handled administratively by staff subject to budgetary approval by the Town Council.

Section 3. The Town Council hereby authorizes the expenditure from the Operating Expense/Special Projects account # 001-0102-512-0502.

Section 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2008.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008.

TALLAHASSEE
Suite 200
1500 Mahan Drive
Tallahassee, Florida 32308
(850) 224-4070 Tel
(850) 224-4073 Fax

**Nabors
Giblin &
Nickerson** P.A.
ATTORNEYS AT LAW

FORT LAUDERDALE
1225 S.E. Second Avenue
Fort Lauderdale, Florida 33316
(954) 525-8000 Tel
(954) 525-8331 Fax

TAMPA
Suite 1060
2502 Rocky Point Drive
Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax

January 10, 2008

Via U.S. Mail

Kenneth Cohen
Assistant Town Administrator
Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

Re: Third revised proposal for legal services on the Town's annual solid waste assessment program

Dear Ken:

Pursuant to the Town's request, enclosed please find Nabors, Giblin & Nickerson's ("NG&N") revised proposal for special assessment legal services for the Town. These services will be provided for the Solid Waste Services assessment program for Fiscal Year 2008-09.

Enclosed as Appendix A you will find our scope of services, proposed lump sum fee of \$6,000.00, and a payment schedule to assist the Town in the ongoing updating and implementation of its solid waste assessment program for Fiscal Year 2008-09.

In addition to the legal work needed to implement the Town's assessment program for Fiscal Year 2008-09, we will also keep the Town informed of any modifications that may be advisable or necessary due to judicial decisions or legislative action.

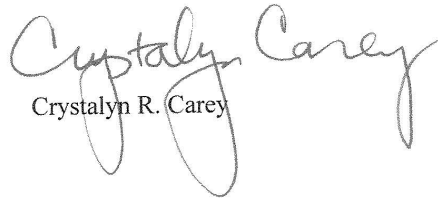
Please review the attached scope of services. The execution of this letter agreement indicates acceptance of this proposal and notice to proceed. Upon execution of this agreement, please provide me with one signed copy for our file.

The initial contract term is for one (1) year. The contract may be renewed annually under the same terms and conditions by mutual agreement of the parties.

Kenneth Cohen
January 10, 2008
Page 2

We have enjoyed our past relationship with the Town and look forward to working together again on this project. Please feel free to call me with any questions or concerns you may have.

Very truly yours,


Crystalyn R. Carey

CRC:sib

Attachment

cc: Susan Dean (w/att.)

Accepted and Agreed To:

Date:

By: _____
Town of Davie

ANNUAL SOLID WASTE ASSESSMENT PROGRAM

Scope of Services

- 1) Advise the Town on the legal requirements for imposing annual solid waste special assessments, including special benefit, fair apportionment, and procedures.
- 2) Advise the Town on any judicial decisions or legislative actions that may affect or require modifications to the Town's solid waste assessment program.
- 3) Draft the preliminary and annual rate resolutions that conform to the solid waste assessment ordinance, already adopted.
- 4) Assist with the legal requirements for the adoption of the preliminary and annual rate resolutions and certification of the assessment roll in accordance with section 197.3632, Florida Statutes, including: (a) the development of the first class notice or TRIM notice, (b) publication of the public hearing, and (c) certification of the assessment roll.

Fees and Costs

For legal services provided by Nabors, Giblin & Nickerson, the Town will be billed a lump sum fee of \$6,000.00. The fees will be due and payable in two equal payments as follows:

<u>Payment</u>	<u>Schedule</u>
50% of lump sum fee	June 2008
50% of lump sum fee	September 2008

The lump sum fee includes reimbursement for all actual costs incurred, including by way of example and not limitation, photocopies, long distance telephone charges, and overnight delivery services.

Work will be completed in accordance with the Town's proposed budget calendar and public hearing schedule. For Fiscal Year 2008-09, the annual rate resolutions must be adopted no later than September 15, 2008.

This proposed lump sum fee includes no on-site visits to the Town by NG&N staff, as requested by the Town. Any meetings may be arranged at our standard hourly rates. Expenses related to additional meetings will be billed in conformance with section 112.061, Florida Statutes. In lieu of on-site visits, we are available to participate in telephone conferences to discuss project status, assessment issues, and procedural concerns.

